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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 RICKY NOLAN,

10 Plaintiff,

Case No. 3:14-cv-00445-MMD-VPC

11 v.

12 CADE HERRINS, et al.,

13 Defendants.

14 ORDER ADOPTING AND ACCEPTING  
15 REPORT AND RECOMMENDATION OF  
16 MAGISTRATE JUDGE  
17 VALERIE P. COOKE

18 Before the Court is the Report and Recommendation of United States Magistrate  
19 Judge Valerie P. Cooke's ("R&R") (dkt. no. 44), recommending denial of Plaintiff's  
20 motion for a preliminary injunction (dkt. no. 27). Plaintiff was given until August 7, 2015  
21 to object. To date, no objection to the R&R has been filed.

22 This Court "may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
24 timely objects to a magistrate judge's report and recommendation, then the court is  
25 required to "make a *de novo* determination of those portions of the [report and  
26 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails  
27 to object, however, the court is not required to conduct "any review at all . . . of any issue  
28 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
magistrate judge's report and recommendation where no objections have been filed. See  
*United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at  
6 1226 (accepting, without review, a magistrate judge's recommendation to which no  
7 objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R  
10 and records in this case, this Court finds good cause to adopt the Magistrate Judge's  
11 R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and  
13 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 44) is accepted and  
14 adopted in its entirety.

15 It is further ordered that Plaintiff's motion for a preliminary injunction (dkt. no. 27)  
16 is denied.

17 DATED THIS 20<sup>th</sup> day of August 2015.  
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20 MIRANDA M. DU  
21 UNITED STATES DISTRICT JUDGE  
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